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Dilemma: FOI or the right to spy

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Since 1978, the names of nearly 2,000 secret Central Intelligence Agency operatives overseas have been exposed by a publication called CovertAction Information Bulletin.

But the New York Times, in a series of stories, also has published names of current and former CIA agents tied—either directly or indirectly—to deals to train and sell arms to terrorists in Libya.

The two journalistic examples are caught up in a current freedom of the press debate over two Senate proposals to outlaw published stories that expose the names of current and former covert intelligence agents.

Congress is wrestling to come up with a law that balances the benefits arising from the journalistic pursuit of abuses and illegal activities in the intelligence community with such blatant efforts as CovertAction—to “blow the cover” of secret agents. CovertAction is a Washington-based publication that openly professes its goal of impairing foreign intelligence operations.

Senate sources expect the bill to come to the Senate floor sometime this month, after Sen. Lowell Weicker, R-Conn., put a “hold” on the bill to allow more time for senators to familiarize themselves with the issues.

Former CIA agents opposing the bill contend that American and Soviet spies already know who most of their counterparts are in many countries.

The Senate Judiciary Committee, however, has linked attacks on U.S. agents overseas to exposure of their names and addresses in such publications as CovertAction.

- Richard S. Welch, CIA station chief in Athens, was murdered December 1975—within a month after his identity was disclosed by Counterspy magazine, a publication put out by former CIA agent Phillip Agee.

- In July 1980, after CovertAction co-editor Louis Wolf identified 15 U.S. Em-

bassy officials in Jamaica as CIA operatives, two of the individuals were targets of apparent assassination attempts.

Yet, in pursuit of the public's right to know, press reports during the Watergate hearings revealed former CIA agents carrying out domestic electronic surveillance and burglaries on behalf of President Richard M. Nixon's re-election.

Recent New York Times stories on former CIA agents Edwin Wilson and Frank Terpil detail allegedly illegal deals with Libyan militant leader Col. Moammar Khadafy to ship arms, train terrorists, maintain Libyan Air Force planes and accompany Libyan troops flying into Chad.

One Senate proposal seeks broad standards barring any exposure of agents' names. It advocates prosecution of journalists and writers if one has “reason to believe” such stories would harm U.S. foreign intelligence activities.

The second bill proposes a narrower standard that would require the government to prove a writer's “intent” was to impair the U.S. intelligence-gathering activities.

“Reason to believe is an objective standard that does not require any delving into the mind of the accused,” argued Sen. John Chaffee, R-R.I., sponsor of the broader proposal.

“It means that as one looks at the circumstances, one could conclude that the accused's activities would impair or impede the intelligence activities of the United States,” Chaffee explained.

But critics argue that Chaffee's ban—which carries a penalty of a \$25,000 fine or a five-year prison term—could censor or discourage stories exposing clearly illegal abuses of the CIA's activities.

The Reporters Committee, a watchdog on freedom of the press issues, has testified that Chaffee's standard is much easier to prove.